

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW MEXICO

3

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs. 1 : 14 - CV - 1025 - RB - SMV

7 THE CITY OF ALBUQUERQUE,

8 Defendant,

9 vs.

10 THE ALBUQUERQUE POLICE
OFFICERS' ASSOCIATION,

11 Intervenor.

12

13 Transcript of Status Conference before The Honorable
Robert C. Brack, United States District Judge, held in
14 Albuquerque, Bernalillo County, New Mexico, commencing on
Friday, February 2, 2018, at 1:04 p.m., and concluding at 1:56
15 p.m.

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1 APPEARANCES :

2 For the Plaintiff: Jim Tierney, Esq.
Luis Saucedo, Esq.
3 Elizabeth M. Martinez, Esq.
Ruth F. Keegan, Esq.

4 For the Defendant: Samantha Hults, Esq.
5 Jeramy Schmehl, Esq.

6 For the Intervenor: Fred Mowrer, Esq.
John D'Amato, Esq.

7 ALSO PRESENT:

8 James D. Ginger (Telephonically)
Honorable Tim Keller
9 Sarita Nair
Michael Geier
10 Harold Medina
Roger Banez
11 Arturo Gonzalez
Eric Garcia
12 Cori Lowe
Sean Willoughby

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1 (In open court.)

2 THE COURT: Good afternoon, everyone. We are going to
3 be a little less formal than usual today. I don't have my
4 robe. I came up from Las Cruces without it and thought, well,
5 that's just as well. The only problem with my being informal
6 is I don't know whether John is going to be able to hear us
7 all. John is our court reporter. He has graciously set aside
8 some of his Friday afternoon to help us out.

9 Please take a seat. And so this is just a great
10 opportunity to get together, and I really do appreciate you
11 being here. I appreciate whoever took the initiative to put
12 this together, because there is nothing like putting faces and
13 shaking hands and getting off on a good footing, right?

14 We put this together hurriedly and in order for a lot
15 of people to make their schedules work, to accommodate mine. I
16 know a lot of you had to make sacrifices. I appreciate
17 whatever you had to do.

18 This came along pretty quickly. I've had a dear friend
19 that died a couple of days ago, and we had a memorial service
20 for him last night in Santa Fe. He was buried at the National
21 Cemetery this morning. Because I was going to be up here,
22 that's how we happened to have some time this afternoon.
23 Thanks for being here.

24 So I don't have anything to say other than, you know,
25 I'm committed to this process as I understand you all to be,

1 and gosh, some of us are old hats now by now, we've been at
2 this a while, but we have some new faces. So first thing on
3 the agenda that you all proposed was Ms. Hults is going to take
4 the lead. There she is.

5 Please, if John gives us a signal that he can't hear,
6 you need to get closer to a mike.

7 MS. HULTS: Thank you, Your Honor. Samantha Hultz on
8 behalf of the City of Albuquerque, and I just wanted to
9 introduce you some of our new leadership. Of course, there is
10 our new Mayor Tim Keller, and our new CAO Sarita Nair, and our
11 Police Chief Mike Geier. And we just wanted to convey and I
12 wanted to convey to you that the legal department and the city
13 is very excited having the new leadership on board and that we
14 all look forward to working with you.

15 So with that, I'm going to let the Mayor and Ms. Nair
16 take over.

17 THE COURT: Mr. Mayor?

18 MAYOR KELLER: Well, good afternoon, and I'm happy to
19 be here, happy to be invited. Thank you also to kind of
20 whoever put this together. I also have never been in a
21 courtroom which is I think a great thing, so I'm kind of
22 looking around and soaking it all in.

23 So also, we have never, I don't know if -- I don't
24 think we have met or anything, but I saw you on a TV show
25 about -- I think it was called "Taming New Mexico." Were you

1 on this on Channel 5?

2 THE COURT: PBS did a documentary that Judge Browning
3 actually put it all together, and it was great and had a lot of
4 fun doing it. We had a grand opening, a gala premiere sort of
5 thing, kind of fun, did it here in the courthouse.

6 MAYOR KELLER: Yeah, I learned a lot from it actually,
7 and it was during the campaign early on, and I was like, hey, I
8 think that's the DOJ judge, you know. So I clearly also paid
9 very close attention to the show. But I learned a lot.

10 I have no legal background at all. I come from
11 business and finance background, and then, of course, I was in
12 the State Senate for six years, and then was state auditor. So
13 anyway, this is an area, both law enforcement and legal, in
14 terms of something that is not naturally my wheelhouse, but
15 which I very much respect and have been learning a lot about.

16 So I think if I got the kind of memo correctly, I had
17 sort of a few thoughts to share, and also, if you want to ask
18 questions, or however I can be of service, we can do that as
19 well.

20 So let me just start by saying that, you know, when I
21 campaigned, from day one, I was fundamentally committed to
22 changing the way the city has dealt with the CASA process, and
23 I think -- and a lot of candidates were. And I'm not going to
24 reflect too long on the campaign or politics, but I think we
25 were able to move the city a little bit in that process of

1 actually electing a new mayor, and I think it brought to the
2 forefront some of the challenges that both APD is facing but
3 also the challenges the city was having with the CASA
4 agreement, and to a large extent, of course, even the
5 monitoring team. And so for me, I actually felt that was very
6 insightful because I feel like I was able to come in with some
7 clear direction in terms of where I wanted to go.

8 And fundamentally changing that process so far, you
9 know, I think we've manifest in several different ways, but the
10 first step was committing to actually working together. And so
11 literally, I think from day one, our team met with the DOJ
12 team, and we have tried to say at the start we want to work
13 together. We believe in constitutional community policing, and
14 also, we want to make sure that we're doing these reforms even
15 for the intent of them.

16 So we believe that they are needed, we believe that
17 they are real, and we believe that the only way to actually
18 heal our community is to actually go through this process and
19 have -- not only complete it, but also have those forms done to
20 the utmost of real effectiveness to last for decades. That's
21 what our community wants, that's what our community needs.

22 Now, I think the only rub from our end is speed,
23 because I think folks are thirsty for progress to be shown, and
24 so I'll talk a little bit about that at the end, but that's
25 kind of my approach going in.

1 And we -- you know, even the notion, we've talked about
2 constitutional policing, but also getting back to
3 actual community policing in a neighborhood sense which is what
4 I had when I was a State Senator, and ironically, the commander
5 of the department in the International District that I worked
6 with on community policing was our now Chief Mike Geier. So
7 for me, at least, I've had a taste of what that should look
8 like and seen a community that trusts its police department and
9 a police department that trusts its community. I saw what that
10 looked like on a neighborhood level, and it was something that
11 I hope we are already getting back to, but I know it's going to
12 be a long road, and that's something that I hope in the
13 not-too-distant future where we can say that's truly been
14 restored.

15 Now, coming from the auditor's office, too, I think --
16 Sarita was our general counsel and government accountability
17 officer there. We also have a lot of faith in the notion of a
18 monitor, and so we'll just say that this idea that we have to
19 have a third party monitoring compliance and progress is
20 basically what we were doing for the last three years in some
21 ways for the City of Albuquerque even, and for -- you know, we
22 even had interactions with the police department in that
23 office. So those -- I think that perspective is really
24 important, so we also have a deep respect for that.

25 Even in my own work way back, like 10 years ago, I used

1 to do culture change work in corporations, and so large
2 Fortune 500 companies through like Booz Allen, a giant
3 consulting firm. But the point is I also feel like I do see
4 some of the similarities in terms of we are using process and
5 court-driven system to drive behavior which then hopefully
6 drives culture. That's actually something academically and
7 from the professional world I'm very familiar with. And
8 something that we're also trying to do at city hall, not just
9 at APD.

10 You know, not worth going into those details now, but
11 there is a lot of things about restoring pride in our city and
12 restoring ownership from every city employee on the front line
13 in terms of what they can do to make the city better. And then
14 I think also a city saying, you know what, this is our town,
15 and we're going to take control of it being a great place to
16 live. And connecting those two things, I think, is core to the
17 philosophy that I'm going to use for the next four years to
18 hopefully actually bring about a different kind of Albuquerque
19 that reflects the best from where we come from, but also says
20 that we can be much, much better than we are now on pretty much
21 every front.

22 So all across the board is definitely a change agenda
23 from my end, and at the top, I'm so grateful to have some folks
24 who are buying into that vision and qualified to do it.

25 So we have one, a new acting city attorney. She

1 introduced herself, but Samantha, we've been just very pleased
2 with and has been doing a great job so far in our mind,
3 especially kind of resetting this process, and also mapping out
4 at least a short-term path forward. So I appreciate her
5 stepping up and fulfilling that role.

6 I made some changes right away on the first day, and
7 you know, we don't have to get into it, but there is no one
8 left from the previous administration at a senior level in
9 either my office or APD other than the -- well, we have two
10 chiefs because one got promoted, so we'll do introducing there.

11 But Deputy Chief Garcia, we wanted to keep because we
12 thought that he was sort of one of the lone bright lights in
13 this whole process. So we're glad that he's agreed to stay on.

14 But other than that, we have a completely new team, so
15 I'm excited to be able to have them introduce themselves a
16 little bit after this and so forth.

17 But also includes our CAO, so I do want to talk about
18 Sarita a little bit. She's a lawyer, answers her cell phone,
19 because, see, I was jealous that she had a cell phone in the
20 courtroom, and -- also, my apologies for not having a tie.

21 Like you, it's very informal, but I was walking over, and I
22 realized it's probably protocol to have a tie and so forth, so
23 if I need to don one, I'll borrow someone's, but --

24 THE COURT: It is a relatively small fine.

25 MAYOR KELLER: So I think we've got a team in place.

1 We are looking obviously for a permanent city attorney. And so
2 we're going through that process, but we're taking our time,
3 and the number one reason is the CASA agreement. We want to
4 have someone who is the right fit with Samantha and her team,
5 and also with Sarita's background, we have been able to
6 essentially I think sandwich whoever the new city attorney is
7 with folks who believe in our vision and know where we want to
8 go. So we feel confident about that, but also that's why we're
9 not rushing, and so we do have finalists, and hopefully, we'll
10 get there soon. But we feel like for the meantime we're in
11 good hands.

12 The last piece of that that I would really share is,
13 you know, this speed issue. I believe from my research -- and
14 actually met with the DOJ, and again, my sheer ignorance of
15 like federal bureaucracy, I really don't know what level we met
16 with, but they were in D.C. And they had -- we met in the
17 guy's conference room, the famous FBI director. Hoover. Yeah.
18 And so anyway, I feel like they were important. And they had
19 great stories about the room, too. Probably the most important
20 person actually. They did allude to all sorts of file cabinets
21 they have yet to open and maybe haven't been opened in decades.
22 But anyway, we had a great meeting with them, and I learned a
23 lot actually about the process from their end, and also have --
24 done some research in other cities, and we talked about sort of
25 expectations, and I know that these can go on for a long time,

1 and I respect that, and I understand why, and if that's the
2 path that ours goes down, so be it.

3 But we're committed to doing everything we can to both
4 meaningfully do these reforms, but also, if we can, kind of
5 reset the timetable, because I do think as someone who has been
6 charged for better or worse by the voters to actually run our
7 city, our community is just so thirsty for progress on this
8 front, and so we're looking to guidance and working with DOJ on
9 whatever and however we can do things differently.

10 I know use of force is one of the more challenging
11 issues, but I'll let the experts speak to that. I think from
12 our end, we want to really work on that in short order to try
13 and address not just the low-hanging fruit but sort of the
14 biggest challenging piece, I think, and that's something with
15 APOA and our discussions, I'm hopeful and optimistic that we
16 can make progress on that.

17 I think that'll also help with -- frankly, there are
18 challenges within the rank and file, and morale, because of
19 uncertainty with respect to the CASA process, and that's
20 natural, normal. But again as mayor, I want officers who are
21 motivated, they are doing the right thing, but they are also
22 not afraid of the mountainous paperwork or the ambiguity or the
23 changing rules of the game. Those are things that are on us to
24 clean up in accordance with the CASA, and so I believe all our
25 leadership team is dedicated to that.

1 So I think the last piece is our chief who I think will
2 say a few words, but his team that he's put together, we
3 continue to just be impressed with their ability to actually,
4 after only a couple of meetings that we've had with them, carry
5 the ball forward in a very meaningful way.

6 And so to me, it's amazing that you guys are moving
7 faster than we're moving, which is a great thing, and that's
8 actually how it should be. And for me, the single best piece
9 of the last two months of being mayor has been faith in our
10 leadership in APD. Because I know despite the ART project,
11 which we won't talk about, and some other things -- and we have
12 plenty to worry about and plenty to do, and one of the things
13 that's been so comforting and so grateful for us is that it has
14 not been daily trying to ride herd on APD. And that is a good
15 thing, because I did not run for mayor to run APD, but in the
16 back of my mind, I thought I might have to spend a lot of time
17 on the fifth floor. So far, that's not been the case, and so
18 obviously I think that'll continue, but it is something I
19 really appreciate, and I think bodes well for the whole process
20 going forward.

21 So I think with that, I know Sarita is going to share a
22 few thoughts, but also, whatever protocol is, I can answer or
23 discuss whatever you would like to touch on.

24 THE COURT: I don't have any questions at this point.
25 But I have not known you before. In fact, we never had

1 anything like this with the prior administration. I appreciate
2 your energy. That's obvious. And I appreciate that you all
3 hit the ground running on this issue. That was obvious from
4 things that happened, filings, other discussion we've had.

5 And while some of us have been involved in this process
6 for a while, when we came -- when I came to this process, I
7 didn't have any background in system change or culture change
8 as a judge. I've been in courtrooms a lot. I don't have any
9 sense of nervousness when I come in anymore, and it is okay
10 that you do, actually. You know, people say when they come up
11 to speak on behalf of the defendant that I'm about to sentence,
12 "Gosh, I'm really nervous." I say, "That's okay, and it's to
13 be expected." Right? When you get to the point where you're
14 not nervous in a courtroom anymore, you've been there way too
15 much.

16 So I know you were -- I heard the commitments that you
17 made during the campaign, and on December 1st, whatever day it
18 was that you actually took office, things happened consistent
19 with those commitments, and I made note. None of that escapes
20 my attention.

21 So everything you said, amen, brother. I'm good to go.
22 The speed with which -- you know, I don't know. I'm afraid
23 that up until now we sacrificed real reform at the altar of
24 speed and efficiency and checking boxes, maybe. And in that
25 process, we made a really tough environment for the officers in

1 the street. That was -- the box-checking ended up taking a lot
2 of time and energy that could have been better spent out there
3 doing policing, right?

4 So I don't know the answers to that question. And,
5 yes, you are right, these reforms historically, nationally,
6 sometimes they take many years. I'm actually going to learn a
7 little more about that. I'm going to a conference --

8 Are some of you all attending that conference as well?

9 In Fort Worth next week about the consent decree
10 litigations that are going on all around the country, and, if
11 you are interested to go, I'm sure you can get in. Tarleton
12 State University and Texas A & M have combined to put this on,
13 and this is the second year. I think last year was the first.
14 I wasn't able to go because I had something else going on here,
15 I don't know what it was. But something to think about and an
16 opportunity for all of us to share, and to, you know, best
17 practices and what's working for you.

18 I think we're still the only consent decree in the
19 country where we had a barbecue at one point. You know, I am
20 all about celebrating real change and real progress, and I
21 want -- I don't live here. I used to. I loved the time that I
22 spent in Albuquerque. I want to give the City of Albuquerque
23 what they deserve, and at the same time, the police officers
24 what they need.

25 So I want real change. I don't want just perfunctory

1 sort of nod in the direction of change, and what it would take
2 to get out of this and get by this process. That's going to be
3 frustrating whenever it happens, and maybe with new energy and
4 a new team, maybe things happen.

5 Ms. Nair?

6 MAYOR KELLER: Sure, and I'll let Ms. Nair proceed, but
7 I just want to thank you for what you shared, and it's
8 reminding me, too, that at the end of the day, this whole
9 process ironically, at least in terms of electoral cycles, I
10 ran to own this, so I just want you to know that I'm well aware
11 and okay with the responsibility of how this goes. That's
12 actually all on me.

13 So you should know that if you have significant issues,
14 whether it is with our command staff or whether it's with
15 whatever, you know, I believe that one difference that -- not
16 to get into the past administration, was a lack of direct
17 ownership from the top.

18 Now, that doesn't mean that I want to be involved in
19 any way unless I have to be; but at the end of the day, I am
20 comfortable with that responsibility. And so I truly believe
21 progress on the DOJ reform process, and CASA is a metric with
22 which I will be measured as mayor, and I ran to accept that
23 responsibility. So just know that at the end of the day, this
24 is on me, and we're ready to do that, so is the rest of the
25 team.

1 THE COURT: That's stepping up, and that's what we
2 need. Thank you.

3 MS. NAIR: I just want to start by thanking the U.S.
4 Attorney's office. U.S. Attorney Tierney and AUSA Martinez and
5 AUSA Saucedo put this together, and everybody was able to drop
6 things and get here. But I want to acknowledge that they
7 really were the brainchild -- the masterminds behind this, and
8 we appreciate the opportunity.

9 I also want to thank APOA for being here. The monitor
10 has told us that we are somewhat unique in the involvement of
11 our union and the ability of us to collaborate with them in
12 this context. And so we think that's a great advantage for us.

13 I also want to thank Dr. Ginger who has spent quite a
14 bit of time with the mayor and me as well as with the rest of
15 the team making sure that we understand the nuances of this
16 process.

17 And I don't have a whole lot to add to what the mayor
18 said except for about three things. One is to underscore what
19 you said, Mayor, but accountability. I do think it was not
20 always fair to leave what we called the fifth floor, APD, and
21 the legal department out there on their own to defend what was
22 going on in that process. And so I personally made it a point
23 to be there, physically present. I think that makes a
24 difference. Whether it was meeting with APD with the chief or
25 at meetings like this or even their planning meetings so that I

1 could really appreciate the full breadth of the job ahead of
2 them. And so that's been really valuable and demonstrates what
3 the mayor was talking about in terms of accountability.

4 I also want to just address directly the issue of the
5 recordings. That was one of many things that you learn when
6 you take over a new role. And we have made it very clear
7 policy that there is to be no surreptitious recording of
8 anything in city hall or at APD, and I'm about to issue an
9 administrative instruction to that point to all employees so
10 that there is no question about our belief on that in this
11 administration.

12 And also what I wanted to do is sort of by way of
13 introduction of Chief Geier, since he's going next on the
14 agenda. I wanted to just speak firsthand about the embrace
15 that he's received from the community and his unique
16 qualifications for this job. So in addition to probably the
17 pretty well-known story of how he was on the force in Chicago,
18 came back here and shaved his head and started over again at
19 the academy, and the respect that that gives him within the
20 department. He's also done so much work with the victims of
21 crime, whether it's at the Family Advocacy Center or the Sexual
22 Assault Program. He also has an intellectual bent to the way
23 he thinks about policing that makes him able to converse and
24 connect with all of the different players in this process in a
25 really unique and valuable way. So, you know, from the first

1 time that I met him, I had a lot of faith that he'd be their
2 day-one person for this job, and I think the rest of the team
3 can attest that he's really brought that value.

4 So also happy to answer any questions. Also my first
5 time in a federal courtroom. I was a lawyer, but I was a
6 corporate lawyer. So I think I did my job; I was not here.

7 So I thank you for giving us the opportunity to meet
8 face to face. With that, I'll stand for questions or hand it
9 over the chief.

10 THE COURT: Let's hear from the chief. I think I know
11 something about that interesting background, but, Chief, can
12 you flesh that out for me?

13 CHIEF GEIER: I'll try not to break your equipment.
14 I'd like to start with introducing my staff because you are
15 only as good as the people around you, and they make me what I
16 am, and together we make a team that really comes together.

17 So we'll start with Deputy Chief Banez, if you would
18 introduce yourself real quickly.

19 DEPUTY CHIEF BANEZ: Roger Banez, the deputy chief for
20 Administrative Services Bureau, sir.

21 DEPUTY CHIEF GONZALES: Arturo Gonzalez, deputy chief
22 of Investigations. I have the privilege of taking over Deputy
23 Chief Garcia's position when he took over compliance from over
24 SID, Family Advocacy Center, Crime Lab. And also the Realtime
25 Crime Center.

1 DEPUTY CHIEF MEDINA: I'm Harold Medina. I'm the
2 deputy chief of police for the Field Services Bureau for
3 basically all the uniformed officers, the area commands and the
4 tactical section for the department.

5 LT. LOWE: My name is Cori Lowe. I'm a lieutenant with
6 the Albuquerque Police Department. I come mostly from
7 investigations for violent crimes and special investigations,
8 and now I'm temporary duty in the compliance unit.

9 DEPUTY CHIEF GARCIA: I'm Deputy Chief Eric Garcia,
10 Your Honor, you met me before. I'm in charge of our newly
11 created Compliance Bureau.

12 THE COURT: You know, it is great to see a familiar
13 face. I've never seen this wholesale change. I remember
14 hearing from the deputy chief, and given what he said, I said,
15 "You still have a job?"

16 DEPUTY CHIEF GARCIA: I was kind of surprised, too,
17 Your Honor.

18 THE COURT: Thanks for being here.

19 MR. SCHMEHL: Yes, Your Honor, I'm Assistant City
20 Attorney Jeremy Schmehl, and it folds into what was stated by
21 the mayor and also Sarita. I'm sort of the compliance officer,
22 I guess, or compliance counsel. When I was hired, it was not
23 clear what I would be doing. I think I was filling a hole,
24 filling a gap. They needed help with the project. And so as
25 time has come and gone on, I sit in on every meeting you can

1 imagine with regard to this process. I've listened. I've
2 learned. I've learned not just from the department side of
3 things and a lot of the dysfunction that everyone is aware of
4 from the past process, but also from our own team. So that's
5 my role. My role is just to be the counsel and help where
6 there is process questions and problems, but also where there
7 is legal questions.

8 And I can tell you that the new administration, the
9 first meeting we had with Sarita, a lot of the difficulty was
10 thinking about how to approach the project, and from the first
11 meeting, they have through Sarita brought a new perspective
12 that's informed and also not just sort of sitting and waiting
13 and checking boxes. So that's my role, and I probably talk too
14 much, but there you go.

15 THE COURT: Not all. Thank you. You know, I think I
16 ought to just say this maybe at this point. I didn't say it
17 earlier. I've got no interest in looking back. I have no
18 interest other than in terms of lessons to be learned, and I am
19 not here to disparage anyone or anyone else's role at this
20 point. There is a change of administration. There is a change
21 of approach. Let's go forward and make things happen. We
22 spent too much time looking back.

23 So, chief.

24 CHIEF GEIER: Thank you. First of all, this isn't my
25 first time in court, but I still get nervous, so it is just one

1 of those things.

2 I have been in law enforcement almost 45 years now, and
3 as Sarita mentioned, 20 years with Albuquerque. I left
4 Albuquerque in 2014 to become the chief of Rio Rancho where I
5 spent three years. When I left Albuquerque, it was pre-DOJ, so
6 to speak. The rumblings were there. There was former -- even
7 a former former administration in place.

8 I saw what was going on, and having been part of the
9 culture and part of the department, I mean, like everybody in
10 this room, we all saw maybe the early stages of what was to
11 come. And efforts were made. Obviously, it didn't work for
12 whatever reason. I was gone for three years, but I'm a
13 resident of Albuquerque. I read the papers. I have numerous
14 friends that are on the department that exchanged stories, told
15 me their concerns about what was going on.

16 So I tried to stay current. I read a lot of the
17 monitor's reports where I could. And there were some lazy ones
18 and different things and tried to stay as current --

19 THE COURT: Did you get that, Dr. Ginger?

20 CHIEF GEIER: They were all good, though. They were
21 all good.

22 MR. GINGER: I did, Your Honor, yes. I agree.

23 CHIEF GEIER: But it did give me some information, some
24 background, and when Mayor Keller -- he wasn't the mayor at the
25 time, approached me about the possibility of when he was

1 running for mayor to be part of his team. And I had retired
2 briefly from Rio Rancho, and I gave it a lot of thought during
3 that time. But I have trust. I have worked with the mayor. I
4 actually met him when -- before he got married, I was working
5 with his future mother-in-law.

6 I had the privilege then after leaving the Family
7 Advocacy Center to work in the International District where he
8 did a good job, and we worked together, and he was the only
9 candidate I really would have done this for. And obviously, it
10 is either congratulations or condolences when you take a job of
11 this nature because it is a rough job. And the first day, you
12 sit and ask yourself, "Where do we start? What do we do
13 first?"

14 And we did that, and again, we're very gracious to the
15 fact that we have a city staff that is supportive, and I mean,
16 there is no bridge across between the two streets. It is --
17 other than the tunnel, we're on same side most of the time with
18 these issues. Most of these officers, I've worked with for 20
19 years, including Eric, who I wanted to make sure he stayed for
20 that reason because of his involvement, and I've worked with
21 him, and I know his capabilities.

22 I think that we have made progress because we have kind
23 of taken the priority issues. When you think about it, the
24 voters who voted were concerned about crime. We had
25 recruitment and retention issues, another priority. We have

1 community policing which should be a philosophy and a program
2 in place. We need some work in that regard.

3 But, you know, the kind of the elephant in the room was
4 the fact that the DOJ was in town. And you mentioned the
5 officers and the cloud that they worked under is because there
6 was a lack of communication, a disconnect, I see, that caused
7 issues within the department.

8 And my philosophy is don't forget where I came from.
9 Like she said, I was that recruit, marching and getting yelled
10 at by people half my age, and you learn lessons in humility,
11 but also those lessons on strategy is what do you take from not
12 so much blaming people but what do you learn from the mistakes
13 of the past and how do you prevent them in the future.

14 And I think our team has come together to recognize
15 that. Again, there is no fault finding. Here is where we're
16 at today. We're moving forward. We're not looking back.
17 We're going full steam ahead.

18 To that end, we did some reorganization in the
19 department. We actually made more work for these guys, and I
20 give them credit. They are handling a compressed job. We've
21 taken away some of the fat at the top, so to speak, and we've
22 also created a whole bureau of compliance -- for compliance led
23 by Deputy Chief Garcia. And his team, with Jeremy, I mean, the
24 meetings I've had are some of the -- you know, unlike most
25 committees, nothing really gets done. I feel like at the end

1 of each meeting, there is progress, and we can see that.

2 And since I've been there, I know we don't even have
3 enough time sometimes to meet; but in the short times we're
4 there, I can see that progress. And slowly but surely, we're
5 going to reach this. We're all committed to it. I can give
6 you 100 percent, not only mine, but there isn't a member of the
7 team here as well as the city that isn't part of it. And I
8 know the APOA is a big factor in that as well as the member of
9 the Department of Justice. We're all one big team, and I think
10 Dr. Ginger would attest to it. He's part of that team as well.

11 So when you are all working for the same purpose, you
12 are going to get things done. So that's going to be a
13 championship team in my mind because we've taken the best.
14 We've recruited, drafted, whatever, robbed, steal, to get these
15 people there. So you have my assurance if there are any
16 issues, and Dr. Ginger knows this as well, we can exchange and
17 meet on a neutral level and address these and move forward.

18 You won't see recordings. You won't see any animosity.
19 This is a spirit of cooperation as far as we're concerned.
20 Again, I'm tremendously proud of the staff we have here.

21 Cooperation with the union. I mean, that's big,
22 because that's usually a problem in a lot of agencies. Right
23 now, it is a perfect storm in the right direction, and I would
24 like to keep it going that way.

25 I appreciate you meeting with us today and taking the

1 time to be part of this as well to hear us out, and again we're
2 looking -- we know it's not going to get done overnight by any
3 means, but we're not going to go backwards, I guess is my
4 promise to everybody.

5 So thank you for your time today.

6 THE COURT: So I was traveling not too long ago in
7 Costa Rica, and someone asked me about my Spanish and I said
8 it's rudimentary. That's actually being more optimistic than I
9 should be. But in Costa Rica, when someone says "gracias," you
10 know, in Mexico, other places, you would say "de nada" or "por
11 nada." But in Costa Rica, the answer is "con gusto." And if
12 you think about literally what those phrases mean, thank you,
13 it's nothing, or for nothing, what I just did for you didn't
14 matter, it didn't amount to anything. So that's literally what
15 it means when we say those things. But in Costa Rica, as a
16 culture, as a country, they say "con gusto," which means
17 whatever I just did, I did it with pleasure, I did it because
18 it meant something to me.

19 When you thank me today, I'm going to say "con gusto,"
20 because this is in everyone's interest. This is a pleasure to
21 be here. It was not a hard thing, just schedules are hard to
22 coordinate. I'm not in Albuquerque a lot. So I appreciate the
23 chance, and I'm glad to be here. It is my pleasure.

24 This is an interesting pick, Mr. Mayor, Chief Geier.
25 Because he comes with great qualifications, but he comes with

1 his eyes wide open. He knows what he's stepping into, and it
2 was really easy to sit this one out. It would have been -- I'm
3 approaching senior status in July. You know, I'm going to have
4 a semiretired -- I have a younger sister. She's 16 months
5 younger. We're very close. I told her I was going senior
6 status recently, she said, "What does that mean?" I said,
7 "Well, it means I work three or four days a week." She said,
8 "You're actually going to increase your workload?" Only a
9 sibling, you know, a real close sibling can get away with that
10 sort of thing.

11 But I gave some thought to sitting this one out. I
12 gave some thought to just, if I'm going to be senior, just
13 letting somebody else have this case, and there wouldn't be
14 anything wrong with that. A judge just has to come to speed.
15 But I'm not going to do that. I'm staying hitched with my eyes
16 wide open. At a time when I could sit this one out, I'm not
17 going to.

18 So I appreciate that at this point in our lives we're
19 committed to this process and we choose to be involved in this
20 process, not we just find ourselves in this sticky wicket.
21 Congratulations on the team you've assembled and glad to have
22 you on board.

23 Whose's got the ball? Mr. Mowrer?

24 MR. MOWRER: Your Honor, it's my pleasure. Fred Mowrer
25 on behalf of the APOA. I'm here as well as the president and

1 vice president. I think Mr. Willoughby wants to I think join
2 in this and show where you the APOA is coming from.

3 THE COURT: Mr. Willoughby is known well.

4 MR. WILLOUGHBY: I was told to speak slowly and keep it
5 short, so I'll just keep it short and speak slowly.

6 THE COURT: Everyone once in a while, Mr. Willoughby
7 would show up, and he's got a lot of energy, too.

8 MR. WILLOUGHBY: Passion for it. How's that?

9 THE COURT: Passion, oh, no, that's exactly right.

10 Energy translates into passion. And he would just start
11 talking very quickly. And court reporters, you know, they are
12 out there doing the best they can taking everything down, but I
13 looked down at my court reporter's machine the last time you
14 were in court, and there was smoke coming off the machine. And
15 I said just dial it down.

16 MR. WILLOUGHBY: Calm down.

17 THE COURT: I don't think I said calm down, but go
18 ahead, Mr. Willoughby.

19 MR. WILLOUGHBY: You know what, Your Honor, we're just
20 as always, from the very beginning, we've been dedicated to
21 this process. We've fought on behalf of our rank-and-file
22 police officers that we represent. The issues that were
23 important to us and were important to them. We're advocates
24 for the police officers that have to do the heavy lifting
25 involved in this process.

1 We've always been dedicated to this process. We've
2 graciously taken the opportunity to have a seat at the table
3 and we're going continue to do so. We want to get our police
4 department back. We want to succeed. We want to change the
5 culture. We want to have some wins. We think the officers
6 need wins.

7 This is a breath of fresh air for us because we've been
8 in this process since the very beginning. We've identified
9 problems. We've tried to work through them, but there was
10 nobody that felt that was on the other side except for DOJ. We
11 have good relationships with everybody involved, but from the
12 city administration and our administration with the police
13 department, that was really keeping everybody together and
14 getting us organized to identify problems and work towards
15 solutions. And I think that that's changed.

16 I'm very optimistic. We are looking at very -- the
17 fundamental requirements for placing on our supervisors, and on
18 our officers, as it relates use of force and trying to
19 streamline that to put more officers on the streets doing
20 police work by systematically creating a more consistent
21 product that the monitor can be proud of and our department can
22 be proud of. We're just optimistic.

23 We're dedicated, and we'll be here until the very end.
24 Administrations will come and go. Folks will retire. We're
25 pleased with our chief. We're pleased with our new

1 administration and our new mayor. But we may be here another
2 eight years, and we're dedicated to this process and seeing it
3 through. We are the one consistent entity of the parties that
4 will always be here. You will have people come in and out, and
5 we'll always be here to make sure that the rank-and-file
6 officers are represented, and we just appreciate the
7 opportunity to have this face to face.

8 Thank you for the time.

9 THE COURT: Yes, sir. Thank you, Mr. Willoughby. It's
10 always a pleasure.

11 I'm not looking at the agenda. Is somebody else next?
12 Who's got the ball?

13 Dr. Ginger.

14 MR. GINGER: Good afternoon, Your Honor. I will
15 apologize for not being there in person, but I'm recovering
16 from the flu, and flying is simply not recommended at this
17 point. So I don't often phone it in, but this is a matter of
18 necessity, I suppose, and I'm not going to argue with the
19 doctor.

20 THE COURT: Dr. Ginger, we're just as glad you're not
21 here if you've got the flu. We've managed to -- we haven't
22 been hit quite as hard in New Mexico as many places have, but
23 I'm sorry that you are not well, and thanks for taking the time
24 even with your illness to participate.

25 MR. GINGER: Well, it is my pleasure, Your Honor, and

1 it's also my pleasure to report a clear and meaningful sea
2 change in the relationship between the APD and the monitoring
3 team. We spent a working week with the new command staff in
4 early January, and it truly was like night and day. We found
5 people who were committed to this process who asked meaningful
6 questions about how they could improve their performance, who
7 were willing to listen. And from everything we've seen, just
8 from that one working week, there has been a major sea change
9 at APD, not just at the command level, but at other levels
10 where we have to work.

11 So I will commend the new city administration and the
12 new APD administration on a remarkable, almost 180-degree
13 turnaround in a very short period of time. So we're looking
14 forward to an improvement in the quality of those reports that
15 come out to you on a periodic basis.

16 THE COURT: Dr. Ginger, I'm encouraged to hear your
17 report. I'm hearing all the right things from everybody around
18 the table here today, but you have -- you know them. You have
19 had to deal with them. You've gotten to deal with them up
20 close and personal, and if it's your sense, having done this
21 for a long time, that it's not just lip service to a process
22 but actual attitude change, we all ought to be encouraged, and
23 so thank you for that.

24 The last item on the agenda is relating to the March
25 15th status conference. So I'm sure you all understand by now,

1 but we have a monthly status conference, and most of the time,
2 those are handled telephonically. They are recorded, and they
3 are available to the public. But it is easier on me, of
4 course, to be in Las Cruces.

5 The request was made that this next monthly status
6 report be public with me actually here in Albuquerque because
7 there was some talk about a change in scheduling and the dates
8 on which the IMRs would come out, and we would have -- I forgot
9 what we call them. Mini reports or --

10 Luis, what are they called?

11 MR. SAUCEDO: Interim reports.

12 THE COURT: Interim reports, thank you. And I see that
13 several people want to speak to that issue. But let me just
14 announce, I'm glad to be here, I will be here, and we'll figure
15 out if the 15th won't work, we'll work around whatever date
16 within a day or two of that that we need to, but I will be here
17 for that public hearing.

18 So otherwise, I'm glad to hear you, Mr. Saucedo.

19 MR. SAUCEDO: Yes, Your Honor, good afternoon, Luis
20 Saucedo for the United States. Thank you, Your Honor, for
21 accommodating the public status conference on March 15th. We
22 think it's an opportunity to inform the public about the
23 changes that are taking place.

24 As the city and APOA have mentioned, and Dr. Ginger, we
25 are working collaboratively to meet current challenges that

1 exist. We still have a long road ahead to reach sustained
2 compliance in this case, but we have renewed commitment from
3 the city. We have continued to benefit from the collaboration
4 of APOA in offering constructive solutions to challenges that
5 come up. And we look forward through your stewardship, and
6 we're very pleased to hear that you will continue to preside
7 over this matter. We believe that we have the right elements
8 and ingredients to keep us moving forward. So, Your Honor, we
9 appreciate that.

10 I did want to mention, Your Honor, that we did have a
11 productive meeting with Mayor Keller and Ms. Nair back in D.C.
12 They met with the leadership of the Civil Rights Division, and
13 it was an opportunity for us to on both ends to renew our
14 commitments to this process.

15 We recently had two successes, and these are shared
16 successes, because when we reach compliance with these
17 agreements, we think everybody benefits and everybody wins. So
18 we had our East Haven Connecticut consent decree recently
19 terminate, and that was at the request of both parties and the
20 monitor coming together to request from Judge Thompson in the
21 District of Connecticut that the goals of that consent decree
22 had been met. So that agreement has recently been terminated.

23 The parties also in our Seattle Police Department case
24 both approached the court with a motion to have a declaration
25 that the city had achieved substantial compliance, and so there

1 the court recently granted that motion and declared that the
2 city has two years of sustained compliance to go.

3 But these are huge milestones in these cases, and we
4 look forward to reaching that same juncture in this case with
5 continued collaboration of everybody working together.

6 The U.S. Attorney wanted to make a remarks as well, so
7 I do want to pass the baton over.

8 MR. TIERNEY: Thank you, Your Honor. I just want to
9 again thank the city and the police department's new
10 administration for their cooperation and their professionalism.
11 I want to assure the court, it is not just for this case.
12 We've had several issues with APD, had a thorny one with
13 discovery. Chief Gonzales solved it, and that's just an
14 example of the professionalism we're dealing with here. I
15 don't think the court is going to have any problem moving along
16 with this case.

17 THE COURT: Thank you, Mr. Tierney. You didn't take
18 very long to say a lot, and I appreciate that. And --
19 goodness.

20 And Mr. Saucedo, I'm glad you told us about successes,
21 because a lot of people think a consent decree is like a life
22 sentence, you just don't ever get over it. It is good to know
23 that progress gets made. And I think it was Mr. Willoughby
24 that said eight years from now we may still be here. I don't
25 know whether I will be. I've said I'm committed to the

1 process. I didn't say I was committing for the long haul.

2 But who is there? Mr. Mowrer, did you want to be heard
3 on the monthly status conferences?

4 MR. MOWRER: No, Your Honor.

5 THE COURT: And Dr. Ginger, anything else?

6 MR. GINGER: Nothing from me, Your Honor.

7 THE COURT: You get to feeling better, Dr. Ginger, and
8 don't come to New Mexico until you do.

9 MR. GINGER: I promise not to give it to anybody in
10 Albuquerque.

11 THE COURT: All right. We're going to hold you to
12 that.

13 Anybody have any last words? Mr. Mayor? Anything by
14 way of wrapping up?

15 MAYOR KELLER: No, I just want to thank everyone for
16 coming today and for their time, and especially I want to
17 emphasize we heard a little bit about our deputy chiefs and --
18 but we have, I think, a great team in place, and so I
19 appreciate also folks, you know, their dedication and their
20 coming back, some from retirement, stepping up, staying on, and
21 so just glad we are truly sitting here today. Thank you.

22 THE COURT: You know what, I love the attitude. I love
23 the passion. I love the energy, and the renewed commitment.
24 You know, you didn't just soft sell it. You said it's on you,
25 and this is going to be a metric by which the success of your

1 administration is gauged, and I -- this is extraordinary stuff
2 that we're hearing, so I appreciate the chance to be together.

3 Ultimately, the proof is in the pudding. We all know
4 that. But gosh, so many wonderful things can happen when
5 everybody is pulling in the same direction. You know. It's
6 kind of counterproductive when you've got unequally yoked oxen,
7 right?

8 So I mentioned the barbecue a while ago, and some of
9 you looked at me like, "What?" So maybe you don't know the
10 whole history. I'm all about celebrating successes and
11 celebrating good reports. And I don't know, a couple of years
12 ago in the summer, we had a good report or two in a row, and I
13 bought barbecue for everybody. We had a barbecue, and we broke
14 bread together, and I can't wait to put on the next barbecue.
15 So you guys just keep the good reports coming.

16 Thanks very much. I'm going to go back to Las Cruces
17 now, and you all have a great weekend. Thank you so much.

18 I am easy to find myself, as you all all know. Nobody
19 has any trouble finding me, including defendants. I got an
20 email from a guy yesterday, so my contact information is out
21 there.

22 Let's take a minute to say hi to everybody and shake
23 hands, but I think we're adjourned.

24 (Court recessed at 1:56 p.m.)

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2 UNITED STATES OF AMERICA

3 DISTRICT OF NEW MEXICO

4

5 I, John De La Rosa, RPR, CCR, Official Court Reporter for
6 the State of New Mexico, do hereby certify that the foregoing
7 pages constitute a true transcript of proceedings had before
8 the said Court held in the City of Albuquerque, New Mexico, in
9 the matter therein stated.

10 In testimony whereof, I have hereunto set my hand on this
11 1st day of March, 2018.

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